UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

DANNY LEE BREWER]	
Plaintiff,]	
]	
v.]	No. 3:11-0198
]	Judge Campbell
RUTHERFORD COUNTY]	
Defendant.]	

MEMORANDUM

The plaintiff, proceeding pro se, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Rutherford County, seeking unspecified relief.

On December 30, 2010, the plaintiff alleges that he was sexually assaulted by a guard (K. Buford) at the Rutherford County Adult Detention Center while another guard (Daniels) watched the incident.

A claim of governmental liability requires a showing that the misconduct complained of came about pursuant to a policy, statement, regulation, decision or custom promulgated by Rutherford County or its agent, the Rutherford County Sheriff's Department.

Monell v. New York City Department of Social Services, 436 U.S.
658, 690-691 (1978). In short, for Rutherford County to be liable under § 1983, there must be a direct causal link between an

official policy or custom and the alleged constitutional violation.

<u>City of Canton v. Harris</u>, 489 U.S. 378, 385 (1989).

The plaintiff has offered nothing to suggest that his rights were violated pursuant to a policy or regulation of Rutherford County that would allow for the sexual assault of its prisoners. Consequently, the plaintiff has failed to state a claim against the defendant.

In the absence of an actionable claim, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

Todd Campbell

United States District Judge